



PAUL R. LEPAGE
GOVERNOR

STATE OF MAINE
MAINE DEPARTMENT OF AGRICULTURE, FOOD AND RURAL RESOURCES
BOARD OF PESTICIDES CONTROL
28 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0028

WALTER E. WHITCOMB
COMMISSIONER
HENRY S. JENNINGS
DIRECTOR

BOARD OF PESTICIDES CONTROL

February 24, 2012

AMHI Complex, 90 Blossom Lane, Deering Building, Room 319, Augusta, Maine

MINUTES

9:30 AM

Present: Flewelling, Eckert, Ravis, Jemison, Granger and Stevenson

1. Introductions of Board and Staff

The Board, staff and Assistant Attorney General Randlett introduced themselves

2. Minutes of the December 16, 2011, Board Meeting

Presentation By: Henry Jennings
Director

Action Needed: Amend and/or approve

Jennings noted that the staff discovered it had omitted listing Ravis as being in attendance. Randlett also had a couple of minor suggestions to add clarity to the minutes.

Flewelling/Granger: Moved and seconded approval of the minutes as amended

In Favor: Unanimous

3. Syngenta Crop Protection, Inc., Request for FIFRA Section 24(c) Registration for Callisto Herbicide on Low Bush Blueberries in the Bearing Year

Syngenta Crop Protection, Inc. is requesting a Special Local Need [24(c)] Application to allow use of Callisto® herbicide for broadleaf weed control on low bush blueberries in the bearing year. This request is supported by University of Maine Blueberry Extension Specialist Dave Yarborough. Callisto is already used on low bush blueberries in the non-bearing year and Syngenta has provided data indicating that residues are expected to be below the established tolerance.

Presentation By: Mary Tomlinson
Pesticides Registrar

Action Needed: Approve/disapprove 24(c) registration request

- ☑ Tomlinson stated that David Yarborough from the University of Maine initiated a FIFRA Section 24(c) request for use of Callisto on blueberries during the bearing year. This use is already approved in Canada, giving Canadian growers a competitive advantage. Tomlinson stated that crop residues are not expected to exceed the tolerance. She indicated that EPA has recommended that states include a five-year expiration date on Section 24(c) labels, to help prevent outdated state labels.

David Yeatts from Cherryfield Foods and Darin Hammond from Wyman's were present, representing the blueberry industry. Yeatts explained that Maine blueberry growers currently do not have any bearing year herbicide options to deal with the troublesome weed problems that can develop when using Integrated Pest Management approaches. A few of the problem weeds grow tall with thick stalks, which interferes with harvesting and prevents the use of mechanical harvesters.

Ravis raised the question of herbicide resistance, since the approval of the request would allow for use of the product in both the bearing and non-bearing years. Yeatts stated that Cherryfield Foods would only make spot treatments with the product, so only a minimal amount of the product would be applied. Hammond observed that Callisto is a Group 20 herbicide, while the other commonly used products are Group 7, meaning it has a different mode of action. Ravis observed that some of the problem weeds for which the product is being requested aren't listed on the label. He wondered if that was a problem. Jennings stated there is no legal requirement for the pests to be listed on the label as long as the site or crop is listed.

Granger asked whether a 24(c) registration could be revoked at any time. Randlett responded in the affirmative. Granger then asked why there needed to be a five-year expiration of the registration and whether any other 24(c) registrations had them. Tomlinson explained that it was a new recommendation and that the expiration date allows for timely review of 24(c) registrations in case there were changes that would render them obsolete. Granger suggested that could be accomplished by periodically reviewing all the 24(c) registrations. He emphasized that growers need to be able to plan ahead, and the uncertainty around the availability of their product choices hampers their planning process.

Granger/Flewelling: Moved and seconded approval of the registration without an expiration date.

In Favor: Granger, Flewelling and Stevenson

Opposed: Eckert, Ravis and Jemison (motion fails on a tie vote)

Eckert/Ravis: Moved and seconded approval of the request with a June 1, 2017, expiration date.

In Favor: Unanimous

4. FIFRA Section 18 Emergency Exemption Registration Request for the Use of Avipel to Reduce Bird Predation of Corn Seed

The application for a FIFRA Section 18 Emergency Exemption registration for the use of Avipel[®] (anthraquinone) to reduce bird predation of corn seed after planting is being resubmitted to the EPA. The Board approved this application in 2011, but the exemption was denied by the EPA due to lack of supporting economic loss and/or pest population data. The Board's staff has worked with distributors, Cooperative Extension and wildlife agencies to develop data to be submitted with the application. This application is supported by the manufacturer, Arkion Life Sciences, and the University of Maine Cooperative Extension.

Presentation By: Mary Tomlinson
Pesticides Registrar

Action Needed Approve/Disapprove the Section 18 Emergency Exemption Registration Request

- Tomlinson reminded the Board that it approved a Section 18 request for the same purpose last year, but EPA denied the request due to lack of credible crop loss data. Upon EPA's recommendation, the staff then submitted a crisis exemption request in place of the emergency exemption. However, a crisis exemption is only permissible for one year, so an emergency exemption is the only option until the full FIFRA Section 3 label is approved. Tomlinson explained that the crop loss data must come prior to the use of Avipel in 2011, so she has been working with distributors to try to obtain information from corn growers. The state must be able to demonstrate at least a 20% loss to qualify for an emergency exemption.

Randlett reviewed a series of questions and comments he had regarding the application. He said some crop loss data was difficult to follow. Tomlinson explained that EPA has very prescriptive requirements for describing crop loss. Randlett added that the reference to the loss of lindane as a crow repellent was also confusing. Lauchlin Titus, AGMatters, LLC, explained that the 2011 Avipel application was adapted from a Vermont application where lindane had been used as a corn seed treatment until relatively recently, and this was described in the application. However, lindane was classified as a limited use pesticide in Maine, so it hadn't been used to treat corn. Consequently, EPA requested that Maine place a statement in the 2012 application that retracted the claim. Titus went on to describe some of the other products that have been used historically to treat corn seed but are no longer available.

Granger/Eckert: Moved that request be approved with suggested revisions

In Favor: Unanimous

5. Request from Maine Migrant Health Program and Eastern Maine Development Corporation to Help Support a Worker Safety Training Program for Summer 2012

Since 1995, the Board has supported a Migrant and Seasonal Farmworker Safety Education program. During 2011, 360 individuals received pesticide safety training. The Maine Migrant health program and Eastern Maine Development Corporation are planning to provide two health and safety outreach workers during the 2012 agricultural season. Funding to support this effort is being requested in almost the same amount as last year, and funds have been budgeted in the Board's FY'12 work plan.

Presentation By: Chris Huh, Program Manager, Farmworkers Jobs Program,
Eastern Maine Development Corporation
Barbara Ginley, Executive Director, Maine Migrant Health Program

Action Needed: Discussion and determination if the members wish to fund this request

- Chris Huh described the project as a very successful collaboration between the three agencies. He explained that the grant is used to hire two AmeriCorps workers to provide health and safety training to migrant farm workers. BPC funds are used as a match against AmeriCorps funding. Migrant workers in eastern Maine and Aroostook County are the primary recipients. Trainers need to be conversant in either Spanish or Creole, as most of the migrants are either Hispanic or Haitian.

Liz Charles was present, representing the Maine Migrant Health Program. She stated that the program had been expanded in 2011 to include two new growers, and that they hope to further expand their reach in 2012. Board members asked questions about the language needs and how difficult it was to find qualified trainers. Granger asked if the training helps farmers comply with the Worker Protection Standard (WPS), to which Jennings replied in the affirmative. Charles pointed out that Gary Fish trains the interns on WPS. Most of their clients are either blueberry or broccoli growers. Charles said the training sessions usually involve small groups and are quite interactive. Jemison inquired whether sufficient funding was available for the request. Jennings stated that there was.

- Granger/Stevenson: Moved and seconded approval of the grant request

In Favor: Unanimous

6. Discussion of Amendments to Chapter 21—Pesticide Container Disposal and Storage

LD 1758, An Act To Eliminate the Deposit Requirements for Containers of Limited and Restricted Use Pesticides, proposes repealing Maine’s deposit requirements for restricted use pesticide containers. If enacted, rulemaking to repeal or amend Chapter 21, Pesticide Container Disposal and Storage, of the Board’s rules will be necessary.

The deposit system dates back to 1983, when the Maine Legislature enacted PL 1983, Chapter 542, in response to concerns that many agricultural pesticide containers were not being cleaned or properly disposed of. By the mid-1980s, the Board’s staff had implemented the deposit system and worked with agricultural producers to clean up existing dumps. By the early 1990s, a voluntary recycling system for plastic containers was also gaining momentum. The high cost of modern day crop protection chemicals now provides further incentive for growers to remove all of the pesticides from the empty containers. Today, economic efficiency is driving a transition to reusable, mini-bulk containers, further reducing the container disposal volume.

All of the above factors, coupled with aggressive outreach programs, have led to a different agricultural waste management mind-set in which on-farm disposal is no longer a consideration. The Board will now discuss whether it prefers to amend or repeal Chapter 21 and, if amendments are preferred, what amendments it would like to consider.

Presentation By: Henry Jennings
Director

Action Needed: Determine the appropriate course of action with respect to Chapter 21

- Jennings explained that the Legislature’s Joint Standing Committee on Agriculture, Conservation and Forestry (ACF) recently reported out LD 1758 as ought to pass. The bill proposes to repeal Maine’s restricted use pesticide container deposit. He believed Maine was the only governmental entity to ever adopt such a standard.

Jennings reminded members that the Board and staff discussed the idea of ending the requirement in recent years, because the underlying reason for the law—the prevalence of open pesticide container dumps and improperly rinsed containers—had all but disappeared. In fact, the whole mindset around waste disposal on farms has shifted significantly over the 29 years since enactment of the law. Many pesticide containers are now recycled for the plastic, and some pesticides are now sold in reusable “mini-bulk” containers.

Jennings stated that—if the bill is enacted—it will not render Chapter 21 of the Board’s rules null and void, because the Board has very broad rulemaking authority in other sections of its statutes. Consequently, Board repeal of Chapter 21 will be necessary to end the deposit requirement. ACF amendments to LD 1758 allow for the return of containers until December 31, 2017, but the bill is silent on when the deposit collection will end.

Lauchlin Titus observed that it sometimes takes small growers several years to use up a container of pesticide, and wondered if five years would be sufficient to allow them to receive their refunds. He also mentioned that distributors invariably accrue funds from containers that are never returned, and he also wondered if the deposition of those funds needed to be addressed somehow. He then concluded it’s probably best to leave the issue alone.

The staff inquired about whether the Board preferred to repeal Chapter 21 in its entirety or whether it preferred to leave some language guiding disposal of containers, such as triple rinsing and legal disposal options. Board members discussed the question, and concluded that—since all of the container disposal requirements are already codified in law—it made sense to not duplicate the requirements in Chapter 21. Instead they advocated for relying on outreach as the preferred approach to ensuring compliance. Randlett suggested that the Board wait until the bill is fully enacted before initiating rulemaking.

7. Review of the Report Pursuant to Resolve 2011, Chapter 59, Approval of the Draft Best Management Practices and Discussion of Report Recommendations

Resolve 2011, Chapter 59—To Enhance the Use of Integrated Pest Management on School Grounds, enacted by the Legislature in May 2011, requires the Board to: (1) develop best management practices (BMPs) for the establishment and maintenance of school lawns, playgrounds and playing fields; (2) assess compliance with Board rule Chapter 27, Standards for Pesticide Applications and Public Notification in Schools; and (3) report back to the Joint Standing Committee on Agriculture, Conservation and Forestry (ACF), no later than February 1, 2012. The report, including BMPs, assessment and recommendations to minimize use of pesticides on school grounds, was delivered to the ACF on February 1, 2012, and presented on February 7, when the Committee stated its support for the report’s recommendations. The Resolve further requires that the BMPs be delivered to every school in the state. The Board will now review and consider approval of the draft BMPs, and discuss how it wishes to address the recommendations in the report.

Presentation by: Henry Jennings
Director
Gary Fish
Manager of Pesticide Programs

Action Needed: Review/Approve the draft BMPs and discuss report recommendations

- Fish explained the process that was used and the committee and reviewers who participated in the development of Best Management Practices for Athletic Fields and School Grounds. He asked members whether they had any questions or comments on the BMPs. Eckert thought the BMPs looked good. Flewelling asked how they had been received so far. Fish stated that the final copy had not been distributed yet, but that draft copies had been distributed widely, including through various school associations. Eckert asked whether the ACF received a copy of the BMPs. Jennings stated that the Committee received the entire report including the BMPs, and he asked for its views on the recommendations in the report. Committee members offered few suggestions , but did vote to

recommend that the BPC move forward with the recommendations. Jennings asked the Board to formally approve the BMPs as it had in the past with similar documents.

Ravis/Stevenson: Moved and seconded approval of the BMPs

In Favor: Unanimous

Jennings then directed members to recommendations contained on page 10 of the report and briefly reviewed them. The recommendations contained a balance of proposals that increase school responsibilities in some areas and relax them in other areas. Jennings pointed out that any potential rulemaking would be considered routine technical, which does not require legislative approval.

Stevenson favored enhancing the role of the IPM coordinator since his company has found the coordinators are difficult to identify and generally aren't engaged in the pest management activities. Eckert believed all the recommendations appeared reasonable at first glance, but that some of them will likely fall from favor as the public input process proceeds. Consensus was reached to hold off and combine rulemaking with that of other chapters to reduce costs.

8. Discussion of Refuges Relative to Chapter 41 and the New Blended Refuge *Bt*-corn Products

At the December 2011 meeting, the Board approved the registration requests for two new *Bt*-corn products—Optimum[®] AcreMax (EPA No. 29964-12), with 5% blended refuge, and Optimum[®] AcreMax Xtra Insect Protection (EPA No. 29964-11), with 10% blended refuge. The Board will now discuss how the blended refuges impact the provisions in Chapter 41, Special Restrictions on Pesticide Use, intended to promote coexistence between *Bt*-corn growers and their non-*Bt*-corn-growing neighbors.

Presentation by: Lebelle Hicks
 Staff Toxicologist

Action Needed: Determine whether policy adjustments are appropriate

- Hicks explained that the use of blended refuges in *Bt* corn products will result in situations where the default buffer requirement between non-compatible corn plantings contained in Chapter 41 will no longer legally apply. Hicks described two rulemaking options the Board could consider if it determined it was appropriate: (1) to amend Chapter 41 to specify that the buffer applies when no spatial refuge exists, and (2) to redefine the term “refuge” in Chapter 10. Jennings added that the Board could also address the issue in the short term by way of policy.

Granger asked whether other states have a buffer requirement for planting *Bt* corn. Eckert believed the buffer distance was based on a European standard. Jemison indicated that the buffer is more of a hybrid arising from standards used by seed companies and European research.

Lauchlin Titus alerted the Board to BMPs adopted by the Maine Department of Agriculture into rule that may already address the concern. Granger thought the BMPs should be reviewed before the Board makes any rule changes. Eckert thought it would be a good idea to retain the buffer policy. Granger questioned why the *Bt* corn grower should bear all the responsibility for maintaining a buffer, adding that Board rules should be fair and reasonable. Ravis observed that the *Bt* grower is putting seed and organic crops at risk, and not vice versa. Flewelling pointed out that potatoes grown by organic growers can create hardships for conventional growers by serving as a reservoir of inoculum. Eckert believed that the rule allows neighbors to negotiate. Katy Green from the Maine Organic Farmers and Gardeners

Association stated that organic farmers are required to maintain a 600-foot buffer to genetically modified crops, so they are equal partners in the buffer also.

Members discussed the need to review the Department BMPs before making any policy decisions. Copies were subsequently provided which revealed that the BMPs refer back to Board rules Chapters 28 and 41. The BMPs urge consideration of buffers, but don't appear to require them. After reviewing its policy options again with Assistant Attorney General Randlett, Eckert put forth a motion.

Eckert/Ravis: Moved and seconded adoption of an interim enforcement policy in which the Board—until it determines otherwise—takes the position that refuge-in-the-bag products do not constitute a refuge for the purposes of the default buffer requirements contained in Chapter 41, Section 5.

In Favor: Unanimous

9. Consideration of a Consent Agreement with Pulsifer Orchard of Cornish

On June 3, 1998, the Board amended its Enforcement Protocol to authorize staff to work with the Attorney General and negotiate consent agreements in advance in matters not involving substantial threats to the environment or public health. This procedure was designed for cases where there is no dispute of material facts or law, and the violator admits to the violation and acknowledges a willingness to pay a fine and resolve the matter. This case involved drift from a pesticide application at the orchard onto an abutting property.

Presentation By: Raymond Connors
Manager of Compliance

Action Needed: Approve/disapprove the consent agreement negotiated by staff

- Connors explained that the complaints involve a single orchard that was sold and split into two adjacent orchards with no physical separation between the two. Francis Pulsifer decided to run her portion as a conventional orchard, while the Lamberts decided to run their portion as an organic orchard. There is no meaningful physical or spatial separation of the trees. Samples collected during the two follow-up investigations revealed off-target residues on the Lambert portion of the orchard.

Granger inquired whether the applicator for Pulsifer Orchard made efforts to minimize drift during his applications. Connors responded that using the wind direction and/or different equipment adjacent to the property line would have reduced the drift. Additional discussion ensued about the appropriateness of the fine and the fact that an organic application made by the Lamberts left an observable deposit of residue on Pulsifer's orchard trees.

Ravis/Flewelling: Moved and seconded approval of the consent agreement

In Favor: Unanimous

10. Consideration of a Consent Agreement with Sullivan Property Management of Lewiston

On June 3, 1998, the Board amended its Enforcement Protocol to authorize staff to work with the Attorney General and negotiate consent agreements in advance in matters not involving substantial threats to the environment or public health. This procedure was designed for cases where there is no dispute of material facts or law, and the violator admits to the violation and acknowledges a willingness

to pay a fine and resolve the matter. This case involved the application of insecticides by an unlicensed employee.

Presentation By: Raymond Connors
Manager of Compliance

Action Needed: Approve/disapprove the consent agreement negotiated by staff

- Connors explained that a maintenance man working at an apartment building was getting bitten by fleas, and consequently decided to make a pesticide application to two apartments and some of the common areas. Since apartment buildings are considered open to the public, a commercial applicator's license is required for that purpose. A consent agreement was negotiated with the company with a penalty consistent with similar violations.

Eckert/Flewelling: Moved and seconded approval of the consent agreement

In Favor: Unanimous

11. Consideration of a Consent Agreement with Korhonen Land Care of Woodstock

On June 3, 1998, the Board amended its Enforcement Protocol to authorize staff to work with the Attorney General and negotiate consent agreements in advance in matters not involving substantial threats to the environment or public health. This procedure was designed for cases where there is no dispute of material facts or law, and the violator admits to the violation and acknowledges a willingness to pay a fine and resolve the matter. This case involved the application of herbicides by unlicensed employees.

Presentation By: Raymond Connors
Manager of Compliance

Action Needed: Approve/disapprove the consent agreement negotiated by staff

- Connors informed the Board that the BPC received a call indicating that an individual had been observed applying pesticides to the ball field in Woodstock, Maine. The staff investigation revealed that Korhonen Land Care contracted with the town to maintain the field. The owner of the company originally denied applying herbicides, but sample analysis indicated the presence of glyphosate.

Eckert/Granger: Moved and seconded approval of the consent agreement

In Favor: Unanimous

12. Consideration of a Consent Agreement with Lucas Tree Experts Company of Portland

On June 3, 1998, the Board amended its Enforcement Protocol to authorize staff to work with the Attorney General and negotiate consent agreements in advance in matters not involving substantial threats to the environment or public health. This procedure was designed for cases where there is no dispute of material facts or law, and the violator admits to the violation and acknowledges a willingness to pay a fine and resolve the matter. This case involved the failure to notify a registrant on the Pesticide Notification Registry.

Presentation By: Raymond Connors
Manager of Compliance

Action Needed: Approve/disapprove the consent agreement negotiated by staff

- Connors provided the details behind the complaint from a non-agricultural registry participant from South Portland who reported that a pesticide application had been made near her home without prior notice. Although the application company committed a related violation the previous year, the penalty was not increased from the standard, due to circumstances that the staff failed to consider in the prior year.

Eckert/Ravis: Moved and seconded approval of the consent agreement

In Favor: Unanimous

13. Consideration of a Consent Agreement with Christian Bulleman III of Dresden

On June 3, 1998, the Board amended its Enforcement Protocol to authorize staff to work with the Attorney General and negotiate consent agreements in advance in matters not involving substantial threats to the environment or public health. This procedure was designed for cases where there is no dispute of material facts or law, and the violator admits to the violation and acknowledges a willingness to pay a fine and resolve the matter. This case involved mold remediation work using registered pesticides without a commercial pesticide applicator license.

Presentation By: Raymond Connors
Manager of Compliance

Action Needed: Approve/disapprove the consent agreement negotiated by staff

- Connors explained that a competitor of Bulleman's called the BPC after losing the bid on a mold remediation job. Bulleman was unaware of the BPC licensing requirement. Although he later agreed to the terms of a consent agreement, he struggled to make the payment. An accommodation was reached whereby Bulleman agreed to perform an equivalent amount of community service.

Ravis/Stevenson: Moved and seconded approval of the consent agreement

In Favor: Unanimous

14. Development of a New Pesticide Notification Registry

The Board has received letters from Representatives Dill and Timberlake requesting that the staff be directed to work on the development of a new pesticide notification registry. The Board will discuss the request and how it wishes to proceed.

Presentation By: Henry Jennings
Director

Action Needed: Discuss the requests and determine what action should be taken

- ☑ Jennings explained that—although Representatives Timberlake and Dill previously relayed their views about the need for additional notification options—questions arose about proper separation of executive branch and legislative functions. It was determined a letter directed to the Board would clarify that the legislators were asking for the Board’s assistance, and not the staff’s. Jennings emphasized that the staff does not develop pesticide public policy, the Board does.

Jennings advocated for a deliberate and inclusive public process should the Board decide to explore a new registry format. He conveyed that he understands that Dill and Timberlake favor expanding the existing registry format with an annual \$20 participation fee.

Considerable discussion ensued about different potential approaches to addressing the topic. Randlett described the consensus-based rulemaking option and explained the differences from traditional rulemaking. Board members discussed some of the pitfalls to the repealed registry. A large registry presents challenges for both agricultural and commercial companies that may treat a large number of properties and make multiple applications in a year. Board member opinion finally coalesced around a preference to first try to improve the awareness and operation of the current provisions as a way to improve the pesticide notification system. The Board would then reevaluate the effectiveness of the current provisions and whether changes might be appropriate.

Jennings mentioned that the “by-request” provision contained in Chapter 28 was written in 1987 and isn’t really tailored to provide the advance warning of individual applications that most neighbors want. However, the Board preferred to leave the current rule language as it is in the short term, and simply try to improve awareness and operation of the current provisions.

Consensus was reached to direct staff to draft letters for the chair’s signature to Representatives Dill and Timberlake, informing them of the Board’s current position on notification.

15. Election of Officers

The Board’s statute requires an annual election of officers. The members will choose a chair and vice-chair to serve for the coming year.

Presentation By: Henry Jennings
Director

Action Needed: Nominations and election of officers

- ☑ Jennings explained that the Board’s statutes require an annual election of officers. He said he prefers to hold the election during the first meeting of the calendar year to ensure it isn’t forgotten. Eckert suggested keeping the current slate of officers for another year.

Ravis/Eckert: Nominated Jemison for chair and Bohlen for vice chair

In Favor: Unanimous

16. Planning Session

March 30, 2012, is the tentative date for a Board planning session. Topics suggested for the Planning Session thus far are listed below. The staff will ask the Board to review the list and make additions or deletions as appropriate.

- Chapter 27 review and changes
- Exam waiting period
- Board member guidance on receiving public input
- What is the pipeline for GMO products?
- Board meeting packet news articles
- 25(b) policy
- Water quality projects
- Does the Board want to be notified about BPC website updates?
- Board oversight of staff

- Jennings reminded members that March 30 is the agreed upon date for a Board/staff planning session. The topics listed on the agenda above are the ones that staff compiled so far from previous Board meetings. Jennings agreed to e-mail Board members within a week soliciting additional planning session topics. He suggested that the Board may need to prioritize the list if it gets too long.

17. Other Old or New Business

a. Legislative Update—H. Jennings

- Jennings informed the Board that LD 1758, the bill to repeal the container deposit, made it through the ACF committee. The resolve (LD 1734) authorizing final adoption of the amendments to Chapter 41 also has moved through the ACF committee.

b. Product registration update—M. Tomlinson

- Tomlinson reported that the transition to electronic documents for labels and MSDSs is continuing. Labels for most of the larger registrants are now available to the public through Purdue's ALSTAR program.

c. Water quality update—M. Tomlinson

- Tomlinson reviewed the staff's water quality activities over the previous year. The blueberry ground-water survey was completed in 2011 and the results were that 41% of the wells tested were positive for hexazinone and terbercil was detected for the first time.

d. Brochure and other "advertising" regarding Agricultural Basic pesticide applicator license—G. Fish

- Fish explained that staff research revealed that the new law requiring growers who use only general use pesticides to obtain a license only involves pesticides with an EPA registration number. This means the new law is somewhat narrower than originally interpreted, but it will be easier to explain to the regulated community.

e. E-mail expressing concern about *Bt* corn—H. Jennings

- The staff received an e-mail expressing concerns about *Bt* corn.

f. Central Maine Power Company's Transmission Right-of-Way Vegetation Management Plan for 2012—H. Jennings

- Jennings observed that CMP provides an annual update of their transmission line vegetation management plan as a courtesy to the Board.

g. Other?

18. Schedule of Future Meetings

March 30, 2012, is the tentative date for a Board planning session, and May 11 is a tentative Board meeting date. The Board will decide whether to change and/or add dates.

Adjustments and/or Additional Dates?

- Jennings alerted the Board that Steve Johnson from Cooperative Extension had been in contact with the staff about pursuing a Section 18 exemption for the use of Revus to treat potato seed. Because of the time EPA requires to review and decide on Section 18 requests, the March 30 meeting date would likely be a little too late to ensure that the Revus would be available to growers for the beginning of the 2012 growing season. Consequently, Board members agreed to set aside the morning of March 12 as a potential emergency meeting date in order to consider the request. Members further agreed that Orono would be the best location for the meeting as long as some members were able to participate via conference call. Randlett advised that a conference call approach meets the requirements of the Administrative Procedures Act, as long as Board members can hear the discussion and be heard by other meeting participants.

Members then went on to add the following additional meeting dates: June 15, July 27 and September 7, 2012.

19. Adjourn

- Flewelling/Granger: Moved and seconded that the meeting adjourn at 2:33 PM

In Favor: Unanimous